

1
2
3
4
5
6
7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9
10 **AT SEATTLE**

11 **GWENDOLYN JENSEN-**
12 **WOODARD,**

13 Plaintiff,

14
15 vs.

16 **CREDITORS INTERCHANCE**
17 **RECEIVABLE MANAGEMENT,**
18 **LLC,**

19 Defendant.

) Case No.
)
) **COMPLAINT**
)
)
)
) ***JURY TRIAL DEMANDED***
)
)
)

20 **I. NATURE OF ACTION**

21 1. This is an action for damages brought by an individual consumer for
22 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §
23 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington,
24 Chapter 19.16, both of which prohibit debt collectors from engaging in abusive,
25
26
27

28 Complaint - 1

Jon N. Robbins
WEISBERG & MEYERS, LLC
3877 N. Deer Lake Rd.
Loon Lake ,WA 99148
509-232-1882
866-565-1327 facsimile
jrobbins@AttorneysForConsumers.com

1 deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of
2 privacy by intrusion, ancillary to Defendant's collection efforts.
3

4 **II. JURISDICTION**

5 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).
6

7 **III. PARTIES**

8 3. Plaintiff, Gwendolyn Jensen-Woodard, is a natural person residing in
9 the State of Washington, County of King, City of Renton.
10

11 4. Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. §
12 1692a(3), and a "debtor" as defined by RCW § 19.16.100(11).
13

14 5. At all relevant times herein, Defendant, Creditors Interchange
15 Receivable Management, LLC ("Defendant") was a limited liability company
16 engaged, by use of the mails and telephone, in the business of attempting to
17 collect a "debt" from Plaintiff, as defined by 15 U.S.C. §1692a(5).
18

19 6. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. §
20 1692a(6), and a "licensee," as defined by RCW § 19.16.100(9).
21

22 **IV. FACTUAL ALLEGATIONS**

23 7. At various and multiple times prior to the filing of the instant complaint,
24 including within the three-hundred-sixty-five days preceding the filing of this
25 complaint, Defendant contacted Plaintiff in an attempt to collect an alleged
26
27

1 outstanding debt. Defendant's conduct violated the FDCPA and RCW § 19.16 in
2 multiple ways, including but not limited to:

- 3
- 4 a. Threatening to take actions against Plaintiff that cannot legally be taken
5 or that are not intended to be taken, including threatening to involve a
6 sheriff in Plaintiff's case, which in turn implied falsely that Plaintiff's
7 non-payment of the debt was a crime, and threatening to make an
8 unauthorized withdrawal of money from Plaintiff's checking account (§
9 1692e(5)(7));
- 10 b. Contacting Plaintiff prior to 8 am, and excusing such call by claiming
11 that the law only cares about the time of the call as it pertains to the
12 local time zone of the caller, which is untrue (§ 1692c(a)(1) & §
13 1692e(10));
- 14 c. Refusing to provide meaningful identification in calls to Plaintiff,
15 including repeated refusal to give a first name (§ 1692d(6));
- 16 d. Failing to inform Plaintiff in each call that the communication is from a
17 debt collector (§ 1692e(11)); and,
- 18 e. Causing Plaintiff's telephone to ring repeatedly and continuously with
19 intent to harass, abuse or annoy Plaintiff (§ 1692d(5)).
- 20

21 8. Defendant's aforementioned activities, set out in paragraph 8, also
22 constitute an intentional intrusion into Plaintiff's private places and into private
23 matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable
24 person. With respect to the setting that was the target of Defendant's intrusions,
25
26
27

1 Plaintiff had a subjective expectation of privacy that was objectively reasonable
2 under the circumstances.
3

4 9. As a result of Defendant's behavior, detailed above, Plaintiff
5 suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation,
6 embarrassment, mental anguish and emotional distress.
7

8 **COUNT I: VIOLATION OF FAIR DEBT**
9 **COLLECTION PRACTICES ACT**
10

11 10. Plaintiff reincorporates by reference all of the preceding paragraphs.
12

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiff respectfully prays that judgment be entered
15 against the Defendant for the following:

- 16 A. Declaratory judgment that Defendant's conduct
17 violated the FDCPA;
18 B. Actual damages;
19 C. Statutory damages;
20 D. Costs and reasonable attorney's fees; and,
21 E. For such other and further relief as may be just and proper.
22

23 **COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY**
24 **ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON**
25 **CONSUMER PROTECTION ACT**
26

27 11. Plaintiff reincorporates by reference all of the preceding paragraphs.
28

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Actual damages;
- B. Discretionary Treble Damages;
- C. Costs and reasonable attorney's fees; and,
- D. For such other and further relief as may be just and proper.

COUNT III: COMMON LAW INVASION OF PRIVACY BY INTRUSION

12. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Actual damages;
- B. Punitive Damages; and,
- C. For such other and further relief as may be just and proper.

Respectfully submitted this 6th day of August, 2008.

s/Jon N. Robbins
Jon N. Robbins
WEISBERG & MEYERS, LLC
Attorney for Plaintiff